

**Published in the Wichita Eagle November 21, 2005**

**RESOLUTION NO. 05-600**

**A RESOLUTION BY THE GOVERNING BODY OF THE  
CITY OF WICHITA, KANSAS APPROVING AN  
EXTENSION OF ADMINISTRATIVE DELAY FOR  
CONSIDERING AND APPROVING NEW REQUESTS FOR  
THE LICENSING AND LOCATING OF ADULT  
ENTERTAINMENT ESTABLISHMENTS.**

WHEREAS, The City of Wichita, Kansas has previously recognized it has an important governmental interest in combating the secondary effects associated with nudity in public places and the sexually oriented businesses which public nudity can encourage; and

WHEREAS, the City desires to combat and control these societal evils, and thereby protect the health, safety, welfare and morals of the citizenry, and has the constitutional power to combat these societal evils; and

WHEREAS, Whereas, it is not the intent of the City to suppress any free expression protected by the First Amendment to the United States Constitution, but to enact a content neutral ordinance which addresses the societal evils of public nudity, sexually oriented businesses and their related secondary effects, with only incidental restrictions upon protected expression; and

WHEREAS, many of the ordinances of the City of Wichita relating to the licensure and regulation of sexually oriented businesses were last modified approximately 15 years ago, and there has been significant development in the applicable law during that time and the City wishes to conform to the dictates of that body of law; and

WHEREAS, The City desires to maintain the status quo while it affords due process to sexually oriented business affected by the City's modified zoning regulations, and

WHEREAS, the City wishes to give notice of its intention to consider applicable licenses and permits under the revised comprehensive ordinances and related zoning regulation revisions,

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY  
OF WICHITA, KANSAS, AS FOLLOWS:**

That the governing body of the City of Wichita, Kansas hereby directs that the City Manager and the Task Team actively pursue development of comprehensive ordinances for the licensure and regulation of adult entertainment establishments, to coincide with revised land use, building and development regulations. The development of these ordinances is to be accomplished as soon as practicable, but no later than December 31, 2007 returned to the governing body for consideration, and during the period of administrative delay from November 15, 2005 through December 31, 2007, there shall be a moratorium on approval of any new licenses under section 3.05.040 of the Code of

the City of Wichita. City staff will also refrain from issuance of land use permits/recommendations or building and development permits that would conflict with this intended comprehensive plan.

Adopted by the governing body of the City of Wichita, Kansas this 15<sup>th</sup> day of November 2005.

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Carlos Mayans, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to form:

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Gary E. Rebenstorf, City Attorney